

## REMARKS

### In the Specification

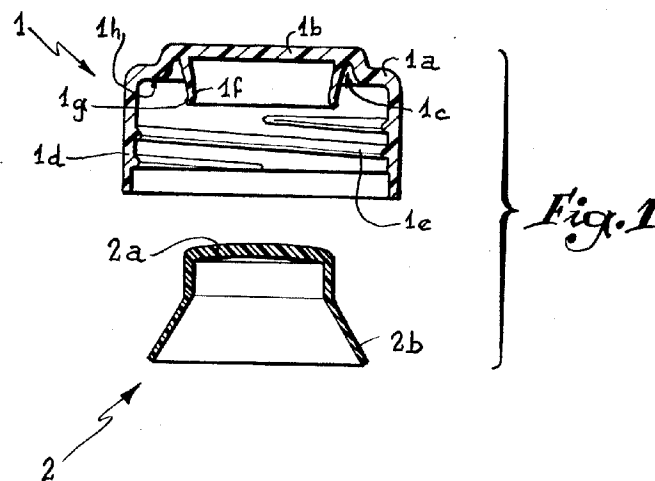
Paragraph [0028] has been amended to correct a typing error. No new matter has been added.

### In the Claims

Claims 1-43 are pending in the application, among which there is no claim 32 due to a numbering error in the original PCT application. Claims 1-4 and 13 have been amended herein, claims 5-12, 14-16, 20-21 and 23-31 remain withdrawn from examination, and claims 33-43 have been canceled. Reconsideration and re-examination of the pending claims is respectfully requested.

Claims 1-4, 13, 17-19 have been rejected under 35 USC 102(b) as anticipated by Babiol, US 4,261,465.

Babiol discloses a threaded bottle stopper with a seal. In particular, Babiol teaches that a seal 2 is inserted into a capsule 1 and is held in place by a tubular funnel 1f. See, Babiol, FIG. 1, reproduced below. Seal 2 is composed of a dish portion 2a, which is mated with funnel 1f, and of a truncated lip 2b, which extends outwardly of dish 2b.



Among other things, Babiol does not teach or suggest that, prior to mating with the rim of the opening, the diaphragm has an outer portion affixed to a perimeter of the open end of the capsule or to an inner longitudinal wall of the capsule, nor that the inner portion of the diaphragm is spaced from the closed bottom.

For at least the foregoing reasons, the rejection of the claims 1-4, 13, 17-19 is respectfully traversed.

Claim 22 has been rejected under 35 USC 103(a) over Babiol in view of McBride, US 5,356,021. Babiol has been discussed above. It is submitted that McBride fails to fill the deficiencies of Babiol, for example, among other things, neither Babiol nor McBride teach that the diaphragm has an outer portion affixed to a perimeter of the open end of the capsule or to an inner longitudinal wall of the capsule.

For at least the foregoing reasons, the rejection of claim 22 is respectfully traversed.

### **The Finality of the Office Action**

Because the Office Action has provided new grounds for rejection, the withdrawal of the finality of the Office Action is respectfully requested.

### **Conclusion**

Applicant submits that all objections and rejections in the present application have been addressed and that the present application is in condition for allowance. A notice to that effect is respectfully requested.

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Respectfully submitted,

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